

AMENDED IN ASSEMBLY JULY 13, 2009

AMENDED IN ASSEMBLY MAY 27, 2009

SENATE BILL

No. 169

Introduced by Senator Benoit

February 14, 2009

An act to amend Section 538d of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 169, as amended, Benoit. Identification: honorably retired peace officers.

Existing law makes it a crime for a person, who is not a peace officer, to impersonate a peace officer, as specified.

This bill would authorize the head of an agency that employs specified peace officers to issue identification in the form of a badge, insignia, emblem, device, label, certificate, card, or writing that clearly states that the person has honorably retired following service as a peace officer from that agency, as specified. The bill would also authorize the head of an agency to revoke identification granted pursuant to those provisions in the event of misuse or abuse.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 538d of the Penal Code is amended to
- 2 read:
- 3 538d. (a) Any person other than one who by law is given the
- 4 authority of a peace officer, who willfully wears, exhibits, or uses
- 5 the authorized uniform, insignia, emblem, device, label, certificate,

1 card, or writing, of a peace officer, with the intent of fraudulently
2 impersonating a peace officer, or of fraudulently inducing the
3 belief that he or she is a peace officer, is guilty of a misdemeanor.

4 (b) (1) Any person, other than the one who by law is given the
5 authority of a peace officer, who willfully wears, exhibits, or uses
6 the badge of a peace officer with the intent of fraudulently
7 impersonating a peace officer, or of fraudulently inducing the
8 belief that he or she is a peace officer, is guilty of a misdemeanor
9 punishable by imprisonment in a county jail not to exceed one
10 year, by a fine not to exceed two thousand dollars (\$2,000), or by
11 both that imprisonment and fine.

12 (2) Any person who willfully wears or uses any badge that
13 falsely purports to be authorized for the use of one who by law is
14 given the authority of a peace officer, or which so resembles the
15 authorized badge of a peace officer as would deceive any ordinary
16 reasonable person into believing that it is authorized for the use
17 of one who by law is given the authority of a peace officer, for the
18 purpose of fraudulently impersonating a peace officer, or of
19 fraudulently inducing the belief that he or she is a peace officer,
20 is guilty of a misdemeanor punishable by imprisonment in a county
21 jail not to exceed one year, by a fine not to exceed two thousand
22 dollars (\$2,000), or by both that imprisonment and fine.

23 (c) Except as provided in subdivision (d), any person who
24 willfully wears, exhibits, or uses, or who willfully makes, sells,
25 loans, gives, or transfers to another, any badge, insignia, emblem,
26 device, or any label, certificate, card, or writing, which falsely
27 purports to be authorized for the use of one who by law is given
28 the authority of a peace officer, or which so resembles the
29 authorized badge, insignia, emblem, device, label, certificate, card,
30 or writing of a peace officer as would deceive an ordinary
31 reasonable person into believing that it is authorized for the use
32 of one who by law is given the authority of a peace officer, is guilty
33 of a misdemeanor, except that any person who makes or sells any
34 badge under the circumstances described in this subdivision is
35 subject to a fine not to exceed fifteen thousand dollars (\$15,000).

36 (d) (1) The head of an agency that employs peace officers, as
37 defined in Sections 830.1 and 830.2, is authorized to issue
38 identification in the form of a badge, insignia, emblem, device,
39 label, certificate, card, or writing that clearly states that the person
40 has honorably retired following service as a peace officer from

1 that agency. *The identification authorized pursuant to this*
2 *subdivision is separate and distinct from the identification*
3 *authorized by subparagraph (A) of paragraph (1) of subdivision*
4 *(a) of Section 12027.*

5 (2) If the head of an agency issues a badge to an honorably
6 retired peace officer that is not affixed to a plaque or other
7 memento commemorating the retiree's service for the agency, the
8 words "Honorably Retired" ~~must~~ *shall* be clearly visible above,
9 underneath, or on the badge itself.

10 (3) The head of an agency that employs peace officers as defined
11 in Sections 830.1 and 830.2 is authorized to revoke identification
12 granted pursuant to this subdivision in the event of misuse or abuse.

13 (4) For the purposes of this subdivision, the term "honorably
14 retired" does not include an officer who has agreed to a service
15 retirement in lieu of termination.

16 (e) (1) Vendors of law enforcement uniforms shall verify that
17 a person purchasing a uniform identifying a law enforcement
18 agency is an employee of the agency identified on the uniform.
19 Presentation and examination of a valid identification card with a
20 picture of the person purchasing the uniform and identification,
21 on the letterhead of the law enforcement agency, of the person
22 buying the uniform as an employee of the agency identified on the
23 uniform shall be sufficient verification.

24 (2) Any uniform vendor who sells a uniform identifying a law
25 enforcement agency, without verifying that the purchaser is an
26 employee of the agency, is guilty of a misdemeanor, punishable
27 by a fine of not more than one thousand dollars (\$1,000).

28 (3) This subdivision shall not apply if the uniform is to be used
29 solely as a prop for a motion picture, television, video production,
30 or a theatrical event, and prior written permission has been obtained
31 from the identified law enforcement agency.